

JAVIS E. STANCIL)	
Claimant)	
VS.)	
)	Docket No. 227,123
KEY CONSTRUCTION, INC.)	
Respondent)	
AND)	
)	
ST. PAUL FIRE & MARINE INSURANCE)	
Insurance Carrier)	

Claimant testified that he injured his back on August 22, 1997, when he fell down the stairs from the tool trailer. According to claimant, the accident occurred at the close of the work day, there were no witnesses, and he did not report the accident because the superintendent was busy when he saw him. August 22, 1997, the date of the alleged

accident, was a Friday. Claimant did not report to work on Monday, August 25, 1997, but went instead to the emergency room. According to claimant, his back had become worse and he could barely move.

Respondent has introduced evidence which seriously challenges claimant's version of the events. In spite of that evidence, the ALJ chose to believe claimant's testimony. He obviously found claimant to be a credible witness. The Board generally defers to the ALJ's opportunity to observe the witnesses.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order of Administrative Law Judge John D. Clark, dated October 21, 1997, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of December 1997.

BOARD MEMBER

c: Dale V. Slape, Wichita, KS
Vincent A. Burnett, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director